

### **REMARKS/ARGUMENTS**

Claims 3, 13, 21, 22 and 24-40 are currently pending in this application as amended. By the present amendment, claims 3, 13, 21, 22 and 24-35 have been amended, new claims 36-40 have been added, and claims 1, 2, 4-12, 14-20 and 23 have been canceled. Applicant submits that no new matter has been introduced into this application by these amendments.

#### **ELECTION REQUIREMENT**

In the Action, the election of Figures 4-8 with the corresponding claims was noted and made final. Accordingly, non-elected claims 1, 2, 4-12, 14-20 and 23 have been canceled from this application subject to the filing of a divisional application.

#### **ALLOWABLE SUBJECT MATTER**

In the Action, claims 21 and 30-33 were indicated as including allowable subject matter, subject to be rewritten to include the subject matter of the elected independent claim 3 which is directed to the elected embodiment of Figures 4-8. In response, claim 21 has been rewritten in independent form to include the subject matter of claims 3 and 19. Additionally, claim 30 has been similarly rewritten in independent form. In view of the amendments to claims 21 and 30, claims 21 and 30-34 should now be in condition for allowance.

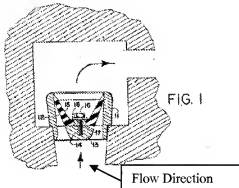
#### **CLAIM REJECTIONS – 35 U.S.C. §102**

Claims 3, 13 and 35 were rejected under 35 U.S.C. §102(b) as anticipated by U.S. 2,859,771 to Blagg. Additionally, the Action indicated that claims 22, 24-29 and 34 were also met by Blagg. Applicant respectfully traverses this rejection.

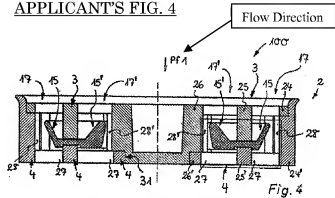
Claim 3 is directed to a through-flow regulator that is insertable into a gas or liquid line and includes a housing with at least one throttle or regulating body being arranged inside the housing, defining a control gap between the throttle or regulating body and a housing wall, with the control gap changing depending on pressure to regulate flow in a flow-through direction. The housing is comprised of at least two housing parts and between the facing sides of the housing parts, a housing seal is provided which is integrally connected in one piece to the at least one throttle body or regulating body supported inside the housing.

Blagg is directed to a one-way valve which is used in connection with mud pumps. As clearly illustrated in Figure 1, shown below, the flow-through direction is illustrated via the arrows as being upwardly toward the conically-shaped walls of the sealing member (15) such that they are pressed inwardly to open the valve. Flow in the opposition direction into the cup-shaped area defined by the sealing member (15) results in the sealing member (15) closing off the ports (21) spaced about the housing (11) best shown in Figure 3. No control gap is defined between the throttle or regulating body, nor does the control gap change depending on pressure to regulate flow in a flow-through direction which regulates flow if a higher pressure medium is being discharged by reducing the control gap size. In contrast, it appears that Blagg would increase flow as higher pressure medium is applied in the flow through direction and, if the flow were applied in the opposite direction, would close off entirely to prevent back flow.

BLAGG



APPLICANT'S FIG. 4



A comparison of Figure 1 of Blagg with Figure 4 of the present invention, also shown above, shows that in fact the flow-through direction is opposite that of Blagg, and that Blagg therefore cannot regulate flow in the flow-through direction. Accordingly, withdrawal of the Section 102(b) rejection of claim 1 is respectfully requested. Claims 13, 22, 24-29, 34 and 35 depend directly or indirectly from claim 1 and should be similarly patentable for the reasons noted together in claim 1.

In addition, with respect to claim 24, here it is clearly recited that the at least one throttle body is lip-shaped and is aligned with a free lip end region thereof extending diagonally opposite the through-flow direction. With respect to claim 25, which depends from claim 24, this claim further recites that a control motion of the at least one lip-shaped throttle body is limited by a control stop. No control stops are provided in Blagg in the flow-through direction as the only stop provided is via the sealing edges (25a) of the valve housing (11) in the opposite direction. Claim 26 depends from claim 25 and further recites that the at least one lip-shaped throttle body comprises a lip section, aligned approximately lateral to a through-flow direction which extends into the free lip end region aligned opposing the through-flow direction, which cannot be the case in Blagg. With respect to claim 27, this

claim depends from claim 26 and further recites that the lip section approximately aligned lateral to the through-flow direction cooperates with the control stop, which again is absent in the teachings of Blagg.

With respect to claim 29, this claim recites that at least one of the connection bars between two approximately concentric annular walls of one of the housing parts is arranged downstream of the throttle body and is embodied as a control stop to the extent that Blagg lacks any connection bars arranged downstream of the throttle body which could act as a control stop or a throttle body support, this limitation cannot be met by Blagg.

With respect to claim 35, this claim depends from claim 3 and recites that the housing wall limiting a control gap is provided with a regulating profiling extending approximately in the through-flow direction. As best understood, Blagg lacks any regulating profiling in the through-flow direction shown in Figure 1 because the conical sealing membrane (15) is pressed inwardly away from the sealing surfaces (22) on the housing (11). In the opposite direction, regulating profiling would defeat the purpose of Blagg which is to provide a check valve to prevent backflow. In the present case, flow is designed to be in an opposing direction to the arrangement of Blagg and the regulating profiling is between the ends of the sealing lip (equivalent to 25 in Blagg) and the inner wall of the housing (equivalent to the housing (11) of Blagg). As this is neither suggested or disclosed by Blagg, and in fact would defeat the very purpose of Blagg in providing a check valve, claim 35 cannot be anticipated by Blagg.

Accordingly, withdrawal of the Section 102(b) rejection of claims 3, 13, 22, 24-29, 34 and 35 is respectfully requested.

**Applicant:** Keith Hart  
**Application No.:** 10/548,311

**NEW CLAIMS**

New claims 36-40 have been added which relate to additional aspects of the elected embodiment shown in Figures 4-8. As these claims depend directly or indirectly from claim 3, they should be similarly patentable for the reasons noted above in connection with claim 3.

**Applicant:** Keith Hart  
**Application No.:** 10/548,311

**CONCLUSION**

Applicant notes that corresponding European Patent EP 1 604 137 B1 has issued with independent claim 1 of similar scope. A copy of EP 1 604 137 B1 is enclosed.

If the Examiner believes that any additional minor formal matters need to be addressed in order to pace this application in condition for allowance, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the present application, including claims 3, 13, 21, 22 and 24-40, is in condition for allowance and a Notice to that effect is respectfully requested.

Respectfully submitted,

Keith Hart

By\_\_\_/Randolph J. Huis/\_\_\_\_\_  
Randolph J. Huis  
Registration No. 34,626

Volpe and Koenig, P.C.  
United Plaza, Suite 1600  
30 South 17th Street  
Philadelphia, PA 19103  
Telephone: (215) 568-6400  
Facsimile: (215) 568-6499  
RJH/dmm